

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

INTEL CORPORATION,
a Delaware corporation,

Plaintiff,
v.

SEAN TORONGEAU,
an individual,

d/b/a **PROINTELL,**

Defendant.

Case No.:

Hon.

HARVEY SISKIND LLP

Ian K. Boyd

Seth I. Appel

Counsel for Plaintiff

Four Embarcadero Center, 39th Floor

San Francisco, CA 94111

Tel: (415) 354-0100

Fax: (415) 391-7124

McGARRY BAIR PC

Robert J. Eleveld (P13142)

Mary C. Bonnema (P48789)

Local Counsel for Plaintiff

171 Monroe Avenue NW, Suite 600

Grand Rapids, MI 49503

Tel: (616) 742-3500

Fax: (616) 742-1010

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

Plaintiff Intel Corporation (“Intel”), by its attorneys, alleges as follows:

1. This action arises from Defendant Sean Torongeau’s use of a trade name and service mark – PROINTELL – that incorporates and is legally equivalent to one of the most famous trademarks in the world – INTEL® – for use with services strikingly similar to those of Intel. By combining “Intell” with the generic and laudatory term “pro,” Defendant has caused and is likely to continue to cause confusion that Intel is the source or sponsor of Defendant’s computer services, or that there is an association or relationship between the companies. In addition, Defendant’s acts are causing, and/or are likely to cause, dilution of the INTEL trademark. Consequently, Intel seeks injunctive relief and damages for injuries that have been, and will continue to be, caused by Defendant’s use of the “PROINTELL” trade name and service mark (collectively, the “PROINTELL Mark”) in violation of the Lanham Act (15 U.S.C.

§§ 1051-1127 *et seq.*), the Michigan Consumer Protection Act (Michigan Compiled Laws §445.901, *et seq.*), and the common law doctrines of trademark infringement and unfair competition.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1332, 1338 and 1367. Intel's claims are, in part, based on violations of the Lanham Act, as amended, 15 U.S.C. §§ 1051-1127. The Court has jurisdiction over the state law claims pursuant to 28 U.S.C. §§ 1332, 1338(b), and 1367.

3. Venue lies in the Western District of Michigan pursuant to 28 U.S.C. § 1391(b). Intel is informed and believes that Defendant resides in this District and may otherwise be found here, and that a substantial part of the events, omissions, and injuries giving rise to Intel's claims occurred in this District.

THE PARTIES

4. Plaintiff Intel is a Delaware corporation having its principal place of business at 2200 Mission College Boulevard, Santa Clara, California. Intel is widely recognized as a world leader in high-technology products and services. Intel develops, manufactures and sells a broad spectrum of high-technology, state-of-the-art products, ranging from the bedrock "ingredients" of computing architecture and personal computers, such as microprocessors, microchips, chip sets, computer memory, circuit boards, computer systems, and software, to communications, networking, and Internet related products, including solutions, products, and related services, such as computer diagnostics, to assist consumers and businesses with their technology needs. Intel's products and services are sold worldwide and throughout the United States, including the Western District of Michigan.

5. Intel is informed and believes, and on that ground alleges, that Defendant Sean Torongeau is an individual residing and doing business as "PROINTELL" at 2520 E. Van Buren Street, White Cloud, Michigan, 49349-9208. Intel is further informed and believes, and on that

ground alleges, that Defendant is in the business of providing various computer services, including website design, website hosting, software installation, and computer repair.

INTEL'S BUSINESS AND MARKS

6. Intel develops, manufactures and sells a variety of computing, communications, and Internet-related software and hardware products and related services. Intel's customers and/or ultimate purchasers have included individual consumers, businesses, schools, computer manufacturers, industrial manufacturers, telecommunications equipment manufacturers, the government, the aircraft industry and the military.

7. For 35 years, Intel has used INTEL as a trade name, trademark and service mark throughout the United States and the world to identify virtually its entire line of products and services. INTEL is one of the most valuable and respected names and trademarks in the world, and among the most famous names and trademarks in the technology industry. As early as 1993, Financial World ranked the INTEL brand as third, behind Coca-Cola and Marlboro. Similarly, from 1996 to the present, Fortune Magazine has annually celebrated Intel as one of the top ten "Most Admired Corporations in America" within its industry – an honor Intel has shared alongside such companies as General Electric, Microsoft and Coca-Cola. In 2005, the INTEL brand was ranked fifth in Interbrand's World's Most Valuable Brands Survey, with an estimated value of \$32.3 billion.

8. Intel uses INTEL as its "house mark" on or in connection with virtually every product and service it sells. In 2005 alone, Intel sold over \$38 billion of INTEL branded goods and services and, in the decade ending with 2005, Intel has sold over \$307 billion of products and services under the INTEL name and mark. In addition, Intel sells directly to the public, through its website at www.theintelstore.com, a variety of non-technology related goods under its INTEL brand, including clothing, accessories, toys, stationary, luggage and traveling gear, watches, key rings, pens and pencils, mugs and water bottles.

9. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL, including the following:

a. Intel is the owner of U.S. Trademark Registration Nos. 914,978 and 938,772 issued on June 15, 1971, and July 25, 1972, respectively, for the mark INTEL for use in connection with integrated circuits, registers and semiconductor memories and equipment for the testing and programming thereof. These registrations, duly and legally issued by the United States Patent and Trademark Office, are valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. Copies of these registrations are attached hereto as *Exhibits A and B*.

b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1, 1972, for the mark INTEL for use in connection with integrated circuits, registers, and semiconductor memories. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit C*.

c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers, and microprocessors. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit D*.

d. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7, 1998, for the mark INTEL for use in connection with, among other things, computer operating system software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia accelerators, video processors, computer hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems, and computer hardware and software for the receipt, display and use of broadcast video, audio and data signals. This registration, duly and legally issued by the United States Patent and

Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit E*.

e. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on April 24, 2001, for the mark INTEL for use in connection with, among other things, computers, computer hardware, software for use in operating and maintaining computer systems, microprocessors, integrated circuits, computer chipsets, computer motherboards, computer graphics boards, computer networking hardware, computer peripherals, video apparatus, video circuit boards, apparatus and equipment for recording, processing, receiving, reproducing, transmitting, modifying, compressing, decompressing, broadcasting, merging and/or enhancing sound, video images, graphics, and data, electronic control boxes for the interface and control of computer and global computer networks with television and cable broadcast equipment, video conferencing equipment, computer programs for recording, processing, receiving, reproducing, transmitting, modifying, compressing, decompressing, broadcasting, merging, and/or enhancing sound, video, images, graphics, and data, and video conferencing equipment. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit F*.

f. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19, 2001, for the mark INTEL for use in connection with, among other things, digital cameras and PC cameras, computer hardware and software for use in imaging and photographic applications; CD ROMs for imaging and photographic applications, imaging sensors; interactive multimedia computer game programs, and interactive video game programs. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit G*.

g. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25, 2002, for the mark INTEL for use in connection with, among other things, computer services including computer web site design services, development of interactive web pages, development of local and wide area computer networks, computer diagnostic services, provision of electronic information services, electronic bulletin board services, computer hardware installation and repair services, and education services in the field of computers. This registration, duly and legally issued by the United States Patent Office, is valid and subsisting. Intel uses the notice of registration “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit H*.

h. Intel is the owner of U.S. Trademark Registration No. 1,573,324, issued on December 26, 1989, for the mark INTEL for use in connection with printed material, namely, technical manuals, pamphlets, user and product manuals, all of which relate to the field of information and data technology and semiconductor devices. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit I*.

i. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on October 13, 1992, for the mark INTEL for use in connection with metal key rings, watches, note paper, note cards, posters, microprocessor chip die plot prints as art prints, pencils, ball point pens, ink pens and stationery folders; plastic key chain tags; mugs and water bottles sold empty, jigsaw puzzles, golf balls, golf tees and golf ball markers. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit J*.

j. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on October 20, 1992, for the mark INTEL for use in connection with, among other things, sport bags, gym bags and carry-on bags; towels, and clothing. This registration, duly and legally

issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit K*.

k. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on October 6, 1998, for the mark INTEL for use in connection with printed materials, namely, books, magazines, newsletters, journals, operating manuals, users guides, pamphlets, and brochures about, for use with and directed to users of, computer operating system software; computer operating programs; computer system extensions; computer system tools; computer system utilities; computer application software; computer firmware; computer hardware; computer peripherals; computer components; integrated circuits; integrated circuit chips; semiconductor processors; semiconductor processor chips; microprocessors; printed circuit boards; electronic circuit boards; computer memory devices; semiconductor memory devices; video circuit boards; audio circuit boards; audio-video circuit boards; video graphic accelerators; multimedia accelerators; video processors; fax/modems; computer hardware and software for the transmission and receipt of facsimiles; computer hardware and software for the development, maintenance, and use of local and wide area computer networks; computer hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems; computer hardware and software for the receipt, display, and use of broadcast video, audio, and digital data signals; and computer hardware and software for development, testing, programming, and production of hardware and software. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit L*.

l. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8, 1999, for the mark INTEL for use in connection with clocks, belt buckles, jewelry, charms, cuff links, earrings, key chains, necklaces, bracelets, necktie fasteners, lapel pins, money clip pendants, piggy banks, tie pins, trophies and watches. This registration, duly and legally

issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit M*.

m. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8, 1999, for the mark INTEL for use in connection with binders, bookends, boxes for pens, calendars, tablets, note cards and playing cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders, paperweights, pen and pencil holders, photograph stands, rulers, erasers, markers, desk sets, and desk organizers. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit N*.

n. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1, 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs, beach bags, duffel bags, fanny packs, and umbrellas. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit O*.

o. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15, 1999, for the mark INTEL for use in connection with T-shirts, shirts, beachwear, loungewear, sweaters, sweatshirts, sweat suits, coveralls, jackets, ties, headwear, cardigans, gym suits, hats, jogging suits, neckties, polo shirts, scarves and infant rompers. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit P*.

p. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on July 13, 1999, for the mark INTEL for use in connection with toys, namely, stuffed toys, toys, plush toys, dolls, bean bags, games, namely board games, stand alone video games, and

Christmas tree ornaments. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit Q*.

q. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on September 7, 1999, for the mark INTEL for use in connection with mugs and sports bottles. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit R*.

10. In addition to using INTEL as a trade name and a trademark, Intel also owns a family of trademarks that incorporate INTEL as a prominent component of the mark. For example, in late 1991, Intel developed and launched a cooperative advertising and licensing program referred to as the “Intel Inside Program.” As part of this program, Intel adopted and began to use the trademarks INTEL INSIDE and INTEL INSIDE & SWIRL Logo, and to license them for products such as personal desktop computers, laptop computers and workstations that were actually designed with genuine Intel microprocessors. Among Intel’s many thousands of OEM (“Original Equipment Manufacturers” a/k/a personal computer manufacturers) licensees worldwide are giants of the computer industry such as Dell, Gateway, Hewlett-Packard, IBM, and Sony. As early as 1992, Intel invested \$50 million for advertising to support this very successful licensing and cooperative advertising program. Following the creation and launch of the Intel Inside Program, Intel launched its famous PENTIUM trademark in late 1992 and early 1993, with a well-publicized campaign supported by additional extensive advertising by Intel and its licensees. The INTEL and INTEL INSIDE trademarks were prominently associated with the launch of the PENTIUM mark. Since the Intel Inside Program’s launch, Intel’s OEM licensees have advertised and sold billions of dollars worth of computer products bearing the INTEL INSIDE & SWIRL Logo mark. Intel itself has spent billions of dollars advertising the INTEL and INTEL INSIDE marks. In fact, in 2005 alone, Intel spent approximately \$5.6 billion

on advertising. Through extensive advertising and promotion by Intel and its licensees, advertisements reflecting the INTEL and INTEL INSIDE marks have likely created an estimated hundreds of millions of impressions.

11. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL INSIDE, including the following:

a. Intel is the owner of U.S. Registered Trademark No. 1,702,463, issued on July 21, 1992, for the INTEL INSIDE & SWIRL Logo for use in connection with microprocessors. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit S*.

b. Intel is the owner of U.S. Trademark Registration No. 1,705,796, issued on August 4, 1992, for the mark INTEL INSIDE for use in connection with microprocessors. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting, and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit T*.

c. Intel is the owner of U.S. Registered Trademark No. 2,179,209, issued on August 4, 1998, for the INTEL INSIDE mark for use in connection with various computer related products, including computer operating system software, computer operating programs, audio and video graphics, computer firmware, computer hardware, integrated circuits, microprocessors, printed circuit boards, computer memory devices, video circuit boards, audio-video circuit boards, video graphic accelerators, video processors, computer hardware and software for the development, maintenance, and use of local and wide area computer networks, computer hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems, and computer hardware and software for the receipt, display, and use of broadcast video, audio, and digital data signals. This registration, duly and

legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit U*.

d. Intel is the owner of U.S. Registered Trademark No. 2,188,280 issued on September 8, 1998, for the INTEL INSIDE & SWIRL Logo for use in connection with computer products including computer operating system software, computer operating programs, audio and video graphics, computer hardware, integrated circuits, microprocessors, printed circuit boards, electronic circuit boards, computer memory devices, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia accelerators, video processors, computer hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems, and computer hardware and software for the receipt, display, and use of broadcast video, audio, and digital data signals. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit V*.

e. Intel is the owner of U.S. Trademark Registration No. 2,451,273, issued on May 15, 2001, for the INTEL INSIDE & SWIRL Logo for use in connection with products including computers, computer hardware, software for use in operating and maintaining computer systems, microprocessors, integrated circuits, computer peripherals and electronic apparatus for use with computers, video apparatus, video circuit boards, apparatus and equipment for recording, processing, receiving, reproducing, transmitting, modifying, compressing, decompressing, broadcasting, merging and/or enhancing sound, video images, graphics, and data, and computer programs for recording processing, receiving, reproducing, transmitting, modifying, compressing, decompressing, broadcasting, merging, and/or enhancing sound, video, images, graphics, and data. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration,

“®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit W*.

f. Intel is the owner of U.S. Trademark Registration No. 2,198,880 issued on October 20, 1998, for the mark INTEL INSIDE for use in connection with printed materials, namely, books, magazines, newsletters, journals, operating manuals, users guides, pamphlets, and brochures about, for use with, and directed to users of, computer operating system software; computer operating programs; computer system extensions; computer system tools; computer system utilities; computer application software; computer firmware; computer hardware; computer peripherals; computer components; integrated circuits; integrated circuit chips; semiconductor processors; semiconductor processor chips; microprocessors; printed circuit boards; electronic circuit boards; computer memory devices; semiconductor memory devices; video circuit boards; audio circuit boards; audio-video circuit boards; video graphic accelerators; multimedia accelerators; video processors; fax/modems; computer hardware and software for the transmission and receipt of facsimiles; computer hardware and software for the development, maintenance, and use of local and wide area computer networks; computer hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems; computer hardware and software for the receipt, display, and use of broadcast video, audio, and digital data signals; and computer hardware and software for development, testing, programming, and production of hardware and software. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit X*.

g. Intel is the owner of U.S. Trademark Registration No. 2,261,580 issued on July 13, 1999, for the mark INTEL INSIDE for use in connection with toys, namely, stuffed toys, plush toys, dolls, bean bags, games, namely, board games, stand alone video games, and Christmas ornaments. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its

INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit Y*.

h. Intel is the owner of U.S. Trademark Registration No. 2,256,061 issued on June 22, 1999, for the mark INTEL INSIDE for use in connection with mugs and sports bottles. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit Z*.

i. Intel is the owner of U.S. Trademark Registration No. 2,252,046 issued on June 8, 1999, for the mark INTEL INSIDE for use in connection with T-shirts, shirts, beachwear, loungewear, sweatshirts, sweat suits, coveralls, jackets, ties, headwear, cardigans, gym suits, hats, jogging suits, neckties, polo shirts and infant rompers. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit AA*.

j. Intel is the owner of U.S. Trademark Registration No. 2,289,657 issued on October 26, 1999, for the mark INTEL INSIDE for use in connection with binders, boxes for pens, tablets, note cards and playing cards, self-adhesive pads, desk pads, and calendar pads, pens, pencils, folders, photograph stands, rulers, and markers. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit BB*.

k. Intel is the owner of U.S. Trademark Registration No. 2,289,658 issued on October 26, 1999, for the mark INTEL INSIDE for use in connection with clocks, jewelry, charms, cuff links, earrings, key chains, necklaces, bracelets, necktie fasteners, lapel pins, money clips, pendants, tie slides and watches. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration,

“®,” with its INTEL INSIDE mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit CC*.

l. Intel is the owner of U.S. Trademark Registration No. 2,547,565 issued on March 12, 2002, for the mark INTEL INSIDE & SWIRL Logo for use in connection with computer-related and communications-related services, namely, support and consulting services for computer-related and communications-related goods; providing information in the field of computer technology via the global computer network; providing on-line publications, namely, books, brochures, white papers, catalogs and pamphlets in the fields of computer and information technology; designing and developing standards for others in the design and implementation of computer software, computer hardware and telecommunications equipment; computer software, computer hardware and network design services. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit DD*.

m. Intel is the owner of U.S. Trademark Registration No. 2,194,122 issued on October 6, 1998, for the mark INTEL INSIDE & SWIRL Logo for use in connection with printed materials, namely, books, magazines, newsletters, journals, operating manuals, users guides, pamphlets, and brochures about, for use with and directed to users of, computer operating system software; computer operating programs; computer system extensions; computer system tools; computer system utilities; computer application software; computer firmware; computer hardware; computer peripherals; computer components; integrated circuits; integrated circuit chips; semiconductor processors; semiconductor processor chips; microprocessors; printed circuit boards; electronic circuit boards; computer memory devices; semiconductor memory devices; video circuit boards; audio circuit boards; audio-video circuit boards; video graphic accelerators; multimedia accelerators; video processors; fax/modems; computer hardware and software for the transmission and receipt of facsimiles; computer hardware and software for the development, maintenance, and use of local and wide area computer networks; computer

hardware and software for the development, maintenance, and use of interactive audio-video computer conference systems; computer hardware and software for the receipt, display, and use of broadcast video, audio, and digital data signals; and computer hardware and software for development, testing, programming, and production of hardware and software. This registration, duly and legally issued by the United States Patent and Trademark Office, is valid and subsisting. Intel uses the notice of registration, “®,” with its INTEL INSIDE & SWIRL Logo mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as *Exhibit EE*.

12. Intel owns many other trademark registrations for its family of INTEL-based marks. These include: INTEL STRATAFLASH, INTEL INSIDE PENTIUM PROCESSOR & DESIGN, INTEL SPEEDSTEP, INTEL XSCALE, INTEL NETMERGE, INTEL NETSTRUCTURE and INTEL NETBURST. Copies of these registrations or evidence thereof are attached hereto as *Exhibits FF through LL*.

13. In addition to the rights arising from its numerous federal trademark registrations cited above, Intel has obtained common law trademark rights through its past and ongoing uses of numerous INTEL based marks that are paired with the term “PRO,” such as Intel® PRO 10/100 Network Connection, Intel® PRO Alert Standard Format Domain Administrator (Intel® PRO ASF Domain Administrator), Intel® PRO Diagnostics Utility, Intel® PRO Intelligent Installer, Intel® PRO LAN Connection Manager, Intel® PRO Network Connection Manager, Intel® PRO Network Connections, Intel® Pro PC Camera, Intel® PRO Switching Software, Intel® PRO/100 Adapter, Intel® PRO/100 PC Card Mobile Adapter, Intel® PRO/100 S Desktop Adapter, Intel® PRO/100 S Mobile Adapter, Intel® PRO/100+ Server Adapter, Intel® PRO/1000 F Server Adapter, Intel® PRO/1000 Gigabit Server Adapter, Intel® PRO/1000 GT Desktop Adapter, Intel® PRO/1000 MF Server Adapter, Intel® PRO/1000 MT Desktop Adapter, Intel® PRO/DSL 2100 Modem, Intel® PRO/DSL Connection Manager, Intel® PRO/Wireless, and Intel® PROSet.

14. Through its extensive use of the INTEL mark and trade name, Intel also owns common law trademark rights in its INTEL trademark and trade name for all of the goods and

services and activities identified herein, in addition to those common law trademark rights detailed in paragraph 13 above.

15. Intel maintains an Internet site on the World Wide Web at the address <http://www.intel.com>. Intel has used its trade name and trademark as an Internet address in order to make it easy for customers to locate Intel's web site, and to identify that the web site is owned by Intel. Intel's web site features the INTEL mark, INTEL INSIDE mark, INTEL INSIDE & SWIRL Logo mark and Intel's many other INTEL composite marks. The Intel web site receives millions of "hits."

16. As a consequence of the extensive sales under, and advertising, promotion, and use of the INTEL and INTEL composite marks, Intel has developed enormous recognition for its computer products and services under the INTEL mark and has acquired and enjoys an immensely valuable reputation and tremendous goodwill under the mark. The INTEL mark is world renowned, and is a "famous" mark for purposes of 15 U.S.C. § 1125(c)(1).

DEFENDANT'S BUSINESS

17. Intel is informed and believes, and on that basis alleges, that Defendant is an individual doing business as PROINTELL. Intel is further informed and believes, and on that basis alleges, that Defendant is in the business of providing various computer services, including website design, website hosting, software installation, and computer repair, all of which are either services offered by Intel, or closely related to the goods and services offered by Intel. Intel is further informed and believes, and on that basis alleges, that Defendant has registered the domain name www.prointell.com. On Intel's information and belief, Defendant has been using "PROINTELL" as a trade name and service mark for its services, and did not begin such use until after Intel established its rights in the famous INTEL mark.

18. Defendant's PROINTELL Mark is legally equivalent to the INTEL mark because it fully incorporates the INTEL mark with the addition of the single letter "I" and the generic and laudatory term "pro" commonly used to refer to the term "professional." The INTEL mark and

the dominant portion of PROINTELL (*i.e.*, “INTEL”) are identical in sight, sound, and commercial impression.

19. Defendant’s use of the PROINTELL Mark has caused and is likely to continue to cause confusion as to whether Defendant’s services originate from or are sponsored by Intel, or whether there is an association or affiliation between Defendant and Intel. Defendant’s acts also are likely to dilute the famous INTEL trademark by blurring its distinctiveness and its unique source identifying quality. Despite Intel’s numerous attempts to explain its position and amicably resolve this dispute over a substantial period of time, Defendant has persisted in using the confusingly similar PROINTELL Mark and has refused to participate in an amicable resolution, leaving Intel no choice but to file this Complaint.

**FIRST CAUSE OF ACTION
TRADEMARK INFRINGEMENT
(15 U.S.C. § 1114)**

20. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 19 of this Complaint.

21. Defendant either had actual notice and knowledge, or had constructive notice, of Intel’s ownership and registrations of the INTEL mark pursuant to 15 U.S.C. § 1072, which rights Intel established prior to Defendant’s adoption and use of the PROINTELL Mark.

22. Upon information and belief, Defendant was aware of Intel’s business and its INTEL mark and registrations prior to the adoption and use of the PROINTELL Mark in connection with the distribution or sale of Defendant’s services.

23. Upon information and belief, Defendant deliberately and willfully used and is using the PROINTELL Mark in connection with the distribution or sale of Defendant’s services in an attempt to trade on the enormous goodwill, reputation, and selling power established by Intel under the INTEL mark.

24. Upon information and belief, Defendant has distributed or sold services under the PROINTELL Mark within the State of Michigan, and Defendant’s website is accessible

throughout the United States. Upon information and belief, Defendant's services distributed or sold under the PROINTELL Mark are moving and will continue to move through some of the same channels of trade, and to the same consumers, as Intel's goods and services that are sold and promoted under the INTEL and INTEL composite marks.

25. Intel has not consented to Defendant's use of the PROINTELL Mark.

26. Defendant's unauthorized use of the PROINTELL Mark falsely indicates to consumers that Defendant's services are in some manner connected with, sponsored by, affiliated with, or related to Intel, Intel's licensees, and the products and services of Intel and Intel's licensees.

27. Defendant's unauthorized use of the PROINTELL Mark also causes consumers to be confused as to the source, nature and quality of the services that Defendant is providing or selling.

28. Defendant's unauthorized use of the PROINTELL Mark in connection with the distribution or sale of its services allows, and will continue to allow, Defendant to receive the benefit of the goodwill established at great labor and expense by Intel and to gain acceptance of Defendant's services, not based on the merits of those services, but on Intel's reputation and goodwill.

29. Defendant's unauthorized use of the PROINTELL Mark in connection with the distribution or sale of its services deprives Intel of the ability to control the consumer perception of the quality of the goods and services marketed under the INTEL mark, and places Intel's valuable reputation and goodwill in the hands of Defendant, over whom Intel has no control.

30. The aforementioned activities of Defendant have caused confusion and are likely to cause further confusion, or to cause mistake, or to deceive consumers or potential consumers wishing to purchase Intel's products and services.

31. The aforementioned acts of Defendant constitute federal trademark infringement in violation of 15 U.S.C. § 1114.

32. The intentional nature of the aforementioned acts of Defendant makes this an exceptional case pursuant to 15 U.S.C. § 1117(a).

33. Intel has been, is now, and will be irreparably injured and damaged by Defendant's trademark infringement insofar as the public has been and/or is deceived into believing that the services marketed by Defendant are connected with, sponsored by, affiliated with, or related to Intel.

34. Defendant's conduct has damaged Intel and will, unless enjoined by the Court, further impair the value of Intel's name, reputation, and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

**SECOND CAUSE OF ACTION
FALSE DESIGNATION OF ORIGIN
(15 U.S.C. § 1125(a))**

35. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 34 of this Complaint.

36. Defendant's unauthorized use of the PROINTELL Mark in connection with the distribution or sale of its services falsely suggests that these services are connected with, sponsored by, affiliated with, or related to Intel.

37. Defendant's unauthorized use of the PROINTELL Mark constitutes a false designation of origin in violation of 15 U.S.C. § 1125(a).

38. The intentional nature of the aforementioned acts of Defendant makes this an exceptional case pursuant to 15 U.S.C. § 1117(a).

39. Intel has been, is now, and will likely be irreparably injured and damaged by Defendant's false designation of origin and/or false description insofar as the public has been and/or is induced to believe that Defendant's services are connected with, sponsored by, affiliated with, or related to Intel.

40. Defendant's conduct has damaged Intel and will, unless enjoined by the Court, further impair the value of Intel's name, reputation, and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

**THIRD CAUSE OF ACTION
FEDERAL TRADEMARK DILUTION
(15 U.S.C. § 1125(c))**

41. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 40 of this Complaint.

42. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by consumers, businesses and industry, and that identifies the products and services of Intel in the minds of consumers. Defendant's unauthorized use of the PROINTELL Mark began after Intel's mark had become famous.

43. Defendant's unauthorized use of the PROINTELL Mark in connection with the distribution or sale of its services is likely to dilute and may already be diluting, the strength of the INTEL mark, which consumers, businesses and industry now associate with Intel and its products and services.

44. Defendant's unauthorized use of the PROINTELL Mark has, and will continue to have, an adverse effect upon the value and distinctive quality of the INTEL mark. Defendant's acts are likely to blur the distinctiveness and identity-evoking quality of the INTEL mark.

45. Defendant's acts are likely to dilute the value of Intel's goodwill in connection with the INTEL mark and destroy the exclusive association between Intel and its INTEL and INTEL composite marks.

46. Defendant's acts constitute trademark dilution in violation of 15 U.S.C. § 1125(c).

47. The intentional nature of Defendant's aforementioned acts makes this an exceptional case pursuant to 15 U.S.C. § 1117(a).

48. The aforementioned acts of trademark dilution have caused, and are causing, irreparable injury to Intel. Unless enjoined by this Court, Defendant is likely to dilute the value

of the INTEL mark, causing further irreparable injury to Intel for which there is no adequate remedy at law.

**FOURTH CAUSE OF ACTION
VIOLATION OF MICHIGAN CONSUMER PROTECTION ACT
(MCL §445.903)**

49. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 48 of this Complaint.

50. Defendant's acts described above cause a probability of confusion or misunderstanding as to the source of Defendant's services in violation of Michigan Compiled Laws §445.903(a). Furthermore, as described above, Defendant's acts falsely represent to the public that his services are sponsored, approved by, affiliated with, or connected to Intel in violation of Michigan Compiled Laws §445.903(c).

51. Defendant's violations of the Michigan Consumer Protection Act have caused and will continue to cause Intel irreparable harm.

52. Intel is entitled to a judgment enjoining and restraining Defendant from engaging in further violations of the Michigan Consumer Protection Act.

**FIFTH CAUSE OF ACTION
COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION**

53. Intel realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 52 of this Complaint.

54. Intel owns and has used the term INTEL as a distinctive trade name and trademark throughout the United States and the world in connection with a wide variety of goods and services for more than 30 years. The INTEL mark and name are valid trademarks under state common law.

55. Defendant's unauthorized use of the PROINTELL Mark constitutes trademark infringement and unfair competition of the INTEL mark in violation of the common law of Michigan.

56. Defendant's wrongful acts have caused and will continue to cause Intel irreparable harm. Intel has no adequate remedy at law.

57. Intel is entitled to a judgment enjoining and restraining Defendant from engaging in further acts of infringement and unfair competition.

PRAYER FOR RELIEF

WHEREFORE, Intel prays for relief as follows:

1. A judgment, pursuant to 28 U.S.C. § 2201, declaring that Defendant, its officers, directors, agents, servants, employees, and representatives and all other persons, firms or corporations in active concert or participation with them, be enjoined and restrained from (1) using in any manner the INTEL mark, or any name and mark that wholly incorporates the INTEL mark or is confusingly similar to or a colorable imitation of this mark, including, without limitation, the PROINTELL Mark and the www.prointell.com domain name; (2) doing any act or thing calculated or likely to cause confusion or mistake in the minds of members of the public, or prospective customers of Intel's products or services, as to the source of the products or services offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective customers, into believing that there is some connection between Defendant and Intel; and (3) committing any of the acts which will tarnish, blur, or dilute, or likely tarnish, blur, or dilute the distinctive quality of the famous INTEL mark;

2. A judgment ordering Defendant, pursuant to 15 U.S.C. § 1116(a), to file with this Court and serve upon Intel within thirty (30) days after entry of the injunction, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the injunction and implemented adequate and effective means to discontinue services under the PROINTELL Mark;

3. A judgment ordering Defendant, pursuant to 15 U.S.C. § 1118, to deliver up for destruction, or to show proof of said destruction or sufficient modification to eliminate the infringing matter, all articles, packages, wrappers, products, displays, labels, signs, circulars, kits, packaging, letterheads, business cards, promotional items, literature, sales aids, receptacles

or other matter in the possession, custody, or under the control of Defendant or its agents or distributors bearing the trademark INTEL in any manner, or any mark that is confusingly similar to or a colorable imitation of this mark, including without limitation the PROINTELL Mark, both alone and in combination with other words or terms including all plates, molds, matrices, and other means of making the same;

4. A judgment that Defendant account for and disgorge to Intel all of the profits realized by Defendant, or others acting in concert or participating with Defendant, resulting from Defendant's acts of trademark infringement, false designation of origin, trademark dilution, and unfair competition all relating to Defendant's use of the PROINTELL Mark;

5. A judgment, as to all counts, awarding compensatory and punitive damages suffered plus interest, in an amount to be determined;

6. A judgment that Intel be awarded three times Defendant's profits from its use of the PROINTELL Mark, or three times Intel's damages, whichever is greater, together with its reasonable attorneys' fees pursuant to 15 U.S.C. § 1117(a) and (b);

7. A judgment that Intel be awarded its actual damages, together with reasonable attorneys' fees pursuant to Michigan Combined Laws §445.911(2);

8. A judgment that Intel recover the costs of this action plus interest;

9. A judgment ordering Defendant to take all steps necessary to remove the name "PROINTELL," and any other of its business names that contain "INTEL," from the records of the offices of all County Clerks and Secretaries of State;

10. A judgment ordering Defendant to transfer the domain name www.prointell.com to Intel, or in Intel's sole discretion, canceling Defendant's registration of said domain name; and

11. A judgment that Intel be granted such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: January 24, 2007

By: /s/ Mary C. Bonnema

HARVEY SISKIND LLP

Ian K. Boyd

Seth I. Appel

Counsel for Plaintiff

Four Embarcadero Center, 39th Floor

San Francisco, CA 94111

Tel: (415) 354-0100

Fax: (415) 391-7124

MCGARRY BAIR PC

Robert J. Eleveld (P13142)

Mary C. Bonnema (P48789)

Local Counsel for Plaintiff

171 Monroe Avenue NW, Suite 600

Grand Rapids, MI 49503

Tel: (616) 742-3500

Fax: (616) 742-1010

G0274038.DOC